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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,012	03/23/2004	James D. Logan	E-07	2805
21253	7590	02/22/2005	EXAMINER	
CHARLES G. CALL 68 HORSE POND ROAD WEST YARMOUTH, MA 02673-2516			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,012	LOGAN, JAMES D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tuyet Vo	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 8, 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-4 are drawn to method of controlling an electrically powered utilization device from either a conventional outlet switch or a switch at the utilization device classified in class 307, subclass 114.
  - II. Claims 5-12 are drawn to apparatus/method to specifically construct adapters/socket/base in order to provide either a wall switch or a manually switch to control an electrical operated device, classified in class 307, subclass 85.

These inventions above are distinct from the other because of the following reasons:

2. Inventions I and II are related as process and device for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different device or by hand, or (2) the device as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process to control an electrically powered utilization device by providing a way to operate the electrically power device via operated switching means in response to a wall switch or a second manual, such process can be performed by single/plural male plug conductors without specific structure of an adapter combining of male and female sockets as required for a practice device. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
3. Selection of the invention II, including claims 5-12, has been made by Mr. Charles Call via a telephone conversation on February 16, 2005 for examining without traverse. In replying to this Office action, the claims 1-4, withdrawn from further consideration by the examiner 37 CFR 1.142(b), and as being drawn to a cancellation of non-elected invention, should be confirmed by the applicant.

### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second female outlet sockets must be shown or the feature(s) canceled from the claims 5 and 10. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

5. **The title of the invention is not descriptive.** A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. For best understood, claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Waugh et al. (US Pub. 2001/0030470), hereinafter Waugh.

Waugh discloses an apparatus (Figs. 1, 2 and 5) for controlling an electrically operated device such as a lamp (12) from a conventional wall outlet (31) consisting of first and second female outlet sockets (32, 34) said first socket (32) begin connected to receive continuous alternating current power from an available power source (page 2, [0030]) and said second socket (34) being connected to receive switched alternating current power from said source via said household wall switch (36), said apparatus comprising, in combination: a first adapter (10) including first and second male input plugs (24, 26) adapted for insertion into first and second female outlet sockets (32, 34) respectively, said adapter further including a third female outlet socket (28, 30) for receiving a third male plug (42) connected to one end of a two wire power line for supplying electrical power to the lamp (12), said first adapter further including means (76) for applying a control voltage to said two wire power line when said second socket receives switched power from said source, and a second adapter comprising, in combination, a manually operated device switch (18), an electrically operated switch (218) for connecting and disconnecting said electrically operated device and said two wire power line, and a control circuit (296) for actuating said electrically operated switch in response to both said control voltage received via said two wire power line and to the actuation of said manually operated switch (18).

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. For best understood. Claims 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waugh in view of Ha (US Pat. 6,242,872).

Waugh also discloses method as reflecting of operating light bulb response to either a conventional manually-operated wall-mounted electrical power switch or the operation of a second manually-operated switch located at the lamp comprising, in combination, the steps of: connecting a first adapter to a first existing wall outlet (Fig. 1 and par. [0029]) that receives continuous power from an available source, connecting said first adapter (10) to a second existing wall outlet (34) that receives switched power via said conventional electrical wall-mounted switch (36), connecting the male plug (42) at the end of said lamp's existing two-wire power supply line to said first adapter to receive continuous power from said first existing wall socket and to receive a control voltage derived from said switched power received at said second existing wall socket (Fig. 1), and a second adapter comprising, in combination, a manually operated device switch (18), an electrically operated switch (218) for connecting and disconnecting said electrically operated device and said two wire power line, and a control circuit (296) for actuating said electrically operated switch in response to both said control voltage received via said two wire power line and to the actuation of said manually operated switch (18).

However, Waugh does not disclose a bayonet base for holding bulb socket and a second adapter which comprises a manual switch and control circuit responsive to a control voltage for energizing or de-energizing the lamp/bulb.

Ha discloses a bayonet base (Fig. 2) for mounting a control circuit that controls the lamp operation when a lamp switch activated.

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It would have been an obvious matter of design choice to use any mean/supporter such as bayonet base for mounting/installing a lamp control circuit and/or lamp's bulb as taught by Ha in order to provide a reliable electronic system free of unfavorable environments. Such improvement is considered as a routine skill in the art.

***Allowable Subject Matter***

10. Claims 8, 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim fully supported by drawings and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to suggest the control voltage is a direct current control voltage and means for applying said control voltage to said two wire power line comprises at least one diode connected between said second male input plug and said third female outlet socket as required in claim 8 or the diode connected between the second existing wall outlet and two existing two-wire power supply line as required in claim 12.

***Citation of pertinent prior art***

12. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Hirshi et al. (US Pat. 6,700,333) discloses two-wire appliance power controller.

Fischer (US Pat. 5,895,985) discloses switch remoting system.

Cowley (US Pat. 4,651,022) discloses digital touch operated switch.

Davidov (US Pat. 4,578,593) discloses two-way electrical control module for a lamp outlet.

Platzer, Jr. (US Pat. 3,872,319) discloses lazy-man type switching circuit.

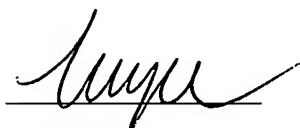
***Conclusions***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 703 306 5497. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 703 308 4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

A handwritten signature in black ink, appearing to read 'Tuyet', is written over a horizontal line.

Tuyet Vo

Primary Examiner

February 17, 2005